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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,718

02/08/2006

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PU030253

4036

24498 7590 01/28/2011
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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

MAIL DATE

DELIVERY MODE

01/28/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERIC RICHARD MAY and SCOTT JOSEPH

Appeal 2009-014037
Application 10/567,718
Technology Center 3600

Before STEVEN D.A. MCCARTHY, STEFAN STAICOVICI and
KEN B. BARRETT, *Administrative Patent Judges*.

McCARTHY, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

STATEMENT OF THE CASE

The Appellants appeal under 35 U.S.C. § 134 from the Examiner's final decision rejecting claims 1-14. More specifically, the Examiner rejects claims 1-14 under 35 U.S.C. § 102(b) as being anticipated by Walmsley (US 2,299,443, issued October 20, 1942). We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We AFFIRM.

Claims 1 and 8 are independent claims. Claim 1 is illustrative of the claims on appeal.

1. A wall mounting apparatus for a visual display, comprising:

a first plate attached to a wall; and

a second plate attached to a visual display, wherein the visual display is mounted to the wall by hooking the first and second plates together, such that each plate contacts the other in at least two places.

The preamble of claim 8 recites a “display system including a wall mounting apparatus.” The body of claim 8 is identical to the body of claim 1.

ISSUE

Although the Appellants argue claims 1 and 8 under different headings, the arguments addressed to claim 8 are indistinguishable from the arguments addressed to claim 1. (Br. 4-5). The Appellants do not argue the patentability of dependent claims 2-7 separately from the patentability of claim 1 or the patentability of dependent claims 9-14 separately from the patentability of claim 8. (Br. 5-6).

1 CONCLUSION

2 Walmsley describes a visual display mounted to the wall by hooking a
3 first and second plate together, such that each plate contacts the other in at
4 least two places. We sustain the rejections of claims 1-14 under § 102(b) as
5 being anticipated by Walmsley.

6
7 DECISION

8 We AFFIRM the Examiner's decision finally rejecting claims 1-14.

9 No time period for taking any subsequent action in connection with
10 this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R.
11 § 1.136(a)(1).

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13 AFFIRMED

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